

## Chapter CLXXIX.<sup>1</sup>

### SPEAKER'S POWER OF RECOGNITION.

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#### **283. A Member desiring recognition must first rise and address the Speaker.**

On December 10, 1913<sup>2</sup> after announcing the business in order for the day, the Speaker<sup>3</sup> said:

The Chair desires to suggest to the House that Members can not sit in their seats and make any motion whatever; they can not sit in their seats and interrupt a Member who has the floor. The Chair understands that these things are done without due consideration and without any desire on the part of a Member to disturb the order of the House, but he does disturb it.

**284. Women presiding in the House or in the Committee of the Whole are properly addressed as “Madam Speaker” and “Madam Chairman” respectively.**—On March 2, 1932,<sup>4</sup> following, the approval of the Journal, Mr. Claude V. Parsons, of Illinois, rising to correct the Record, said:

Yesterday afternoon the distinguished Congresswoman from Florida occupied the Chair and in addressing the Chair I addressed her as Madam Chairman. I notice in the Record this morning, that it is printed as Mr. Chairman. I wish to inquire which one of the titles is correct.

The Speaker<sup>5</sup> replied:

In the opinion of the present occupant of the Chair, the gentleman from Illinois in addressing the Chair as Madam Chairman used the correct form.

**285. The rules require Members to address themselves to “Mr. Speaker only, and it is a breach of parliamentary law for Members to preface remarks by addressing themselves to Gentlemen of the House,” “Ladies and gentlemen,” etc.**

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<sup>1</sup>Supplemental to Chapter XLVI.

<sup>2</sup>Second session Sixty-third Congress, Record, p. 634.

<sup>3</sup>Champ Clark, of Missouri, Speaker.

<sup>4</sup>First session Seventy-second Congress, Record, p. 5117.

<sup>5</sup>John N. Garner, of Texas, Speaker.

On January 12, 1932,<sup>1</sup> Mr. Robert Luce, of Massachusetts, rising to a question of privilege, said:

I find in the Record this morning that a few remarks I made yesterday are printed as follows. Mr. Speaker, ladies, and gentlemen.

Not since I have been a Member have I thus broken parliamentary law. Of course, I desire not to go on record as supporting a practice which is obnoxious to me.

When I came here 12 years ago, nobody, so far as I can recollect, ever deviated from the parliamentary rule that salutation should be confined to the occupant of the chair, either "Mr. Speaker" or "Mr. Chairman." Within a very few years the practice has grown up of addressing the House en masse by some form of preliminary language. This is contrary to the parliamentary precedent of several hundred years.

I would read to you a statement by Sir Thomas Smith who described the practice of the Parliament of Queen Elizabeth's time. He said:

"Though one do praise the law, the other dissuade it. For every man speaketh as to the Speaker, not as one to another, for that is against the order of the house."

Jefferson's Manual, which is the law of the House when it has no rule to the contrary, says that "when any Member means to speak \* \* \* he is \* \* \* to address himself not to the House, nor to any particular Member, but to the Speaker," and so forth. Notice that he is to address himself not to the House, but to the Speaker of the House.

I called this matter to the attention of Speaker Longworth, and he was even more severe than I would be in criticizing the practice and in expressing the hope that some means might be found to call it to the attention of the House. I hope that I have not unduly taken the time of the House in calling attention to this matter, and ask unanimous consent that the words "ladies and gentlemen" be stricken from the report of my speech.

The Speaker<sup>2</sup> said:

The Chair is in entire sympathy with the remarks made by the gentleman from Massachusetts. It is supposed to be a slight upon the Chair, according to the expressions of former Speakers of the House, when Members address the Chairman of the Committee of the Whole or the Speaker and then address the Members on the floor en masse. The Speaker represents the House of Representatives in its organization, and by addressing the Chair gentlemen address the entire membership of the House.

Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**286. Under the rules Members seeking recognition rise and address themselves to the Speaker from their places in the House and the Speaker declines to recognize Members preferring requests from the well of the House.**—On December 9, 1931,<sup>3</sup> a number of Members came down the aisles and stood in the well of the House asking recognition.

Mr. William B. Bankhead, of Alabama, raised a question of order against the recognition of Members from the well of the House and asked that the rule against the practice be enforced.

The Speaker<sup>4</sup> sustained the point of order and said:

May the Chair make a few remarks concerning that? It is the opinion of the Chair that the practice of coming down into the well of the House in order to attract the attention of the Chair is improper. It tends to confusion. It does not give the membership in the rear of the

<sup>1</sup> First session Seventy-second Congress, Record, p. 1815.

<sup>2</sup> John N. Garner, of Texas, Speaker.

<sup>3</sup> First session, Seventy-second Congress, Record, p. 236.

<sup>4</sup> John N. Garner, of Texas, Speaker.

Hall opportunity to hear the requests. So the Chair thinks he will adopt the practice of not recognizing gentlemen who seek recognition from the well of the House. The Chair thinks this will finally stop the practice.

**287. A Member may not by reserving the right to object to a request for unanimous consent secure the floor for debate.**

On April 14, 1913,<sup>1</sup> Mr. Frank W. Mondell, of Wyoming, asked unanimous consent to extend his remarks in the Record on the subject of woman suffrage.

Mr. A. W. Lafferty, of Oregon, reserved the right to object and was engaging in debate, when Mr. Martin B. Madden, of Illinois, inquired under what rule a reservation of the right to object entitled Members to the floor.

The Speaker<sup>2</sup> replied that while it was a custom which had prevailed for many years and was the practice when he first entered the House more than eighteen years before, it was not sanctioned by the rules, and was frequently the cause of a waste of time, but that any Member by demanding the regular order might prevent such reservations and preclude debate.

**288.** On September 5, 1919,<sup>3</sup> while the House, proceeding under a special order, was in Committee of the Whole House for the consideration of bills, on the Private Calendar unobjected to, Mr. Thomas L. Blanton of Texas objected to the consideration of a certain bill.

Mr. Charles C. Kearns, of Ohio, inquired of the Chair whether a Member reserving the right to object to the consideration of a bill was entitled to the floor, and if recognized, whether he could be deprived of the floor by a demand for the regular order.

The Chairman, Mr. Nicholas Longworth, of Ohio, replied that until unanimous consent for the consideration of a bill was secured no Member could be recognized, as there was nothing before the House for discussion, and that no Member could occupy the floor in debate under reservation of the right to object to a request for unanimous consent if there was objection or demand for the regular order.

**289. The Speaker may inquire for what purpose a Member rises and then deny recognition.**

On April 14, 1913,<sup>1</sup> when the immediate business before the House had been concluded, Mr. Richard W. Austin, of Tennessee, rose and addressed the Chair.

The Speaker inquired:

For what purpose does the gentleman from Tennessee rise?

Upon ascertaining that the request was for the purpose of presenting an unprivileged resolution, the Speaker refused recognition.

Mr. James R. Mann, of Illinois, submitted as a parliamentary inquiry, that having recognized Mr. Austin to make the inquiry the Speaker could not then withdraw recognition.

The Speaker<sup>2</sup> said:

The gentleman from Tennessee arose, and the Chair asked him for what purpose he rose.

Then the gentleman sent up the resolution, and the Chair obtained the resolution from the Clerk and read enough of it to determine that it was not a privileged resolution.

<sup>1</sup> First session Sixty-third Congress, Record, p. 173.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> First session Sixty-sixth Congress, Record, p. 4938.

The Chair does not think that if the gentleman from Illinois would rise, for instance, and the Chair would then ask for what purpose the gentleman rose, that he would thereby recognize the gentleman from Illinois until he found out whether he was entitled to be recognized. At first to-day the Chair did not do that, and several gentlemen obtained in that way recognition for matters which they had no right to bring up; but afterwards the Chair adopted the old procedure of propounding a question that was very unpopular here for awhile, namely, for what purpose the gentleman rose. The Chair think that is the only orderly way to proceed.

**290.** On July 5, 1918,<sup>1</sup> during the consideration of Senate amendments to the river and harbor appropriation bill, the Speaker recognized Mr. Oscar L. Gray, of Alabama, to offer a motion to recede and concur, but declined to recognize him for debate on the ground that Mr. John H. Small, of North Carolina, the Member in charge of the bill, was entitled to the floor.

In the course of his remarks the Speaker<sup>2</sup> said:

A good many gentlemen have been under the impression that if a man is recognized at all he is recognized for all purposes, which is not true. The late Hon. Augustus P. Gardner always insisted that there were two recognitions, and finally he convinced me of the truth of that; and that is the reason that the Chair asks a gentleman for what purpose he rises. There was a tremendous agitation here once about the Speaker asking that question. When I became Speaker I started in with the intention not to propound that inquiry, and the first thing I knew I was in deep water and in a good deal of trouble. After seeing how it worked out I concluded that Speaker Cannon had been right in demanding "For what purpose does the gentleman rise?" I have carried out that practice ever since.

**291.** On August 5, 1919,<sup>3</sup> William L. Igoe, of Missouri, rose to a question of personal privilege and in the course of his remarks referred to the fact that on a previous day the Speaker, after recognizing him, had declined to permit him to proceed.

During the colloquy which ensued, Mr. John N. Garner, of Texas, suggested:

Will the gentleman yield for a suggestion which occurs to me, that this colloquy illustrates the advisability of one custom that Mr. Speaker Cannon always insisted upon, for which we criticized him a good deal, but that finally the ex-Speaker, Mr. Clark of Missouri, was compelled to adopt, and that was to ask each Member when he rises, "For what purpose does the gentleman rise?"

The Speaker<sup>4</sup> agreed:

That strikes me as logical, and I think it is probably wise, as the gentleman from Texas, Mr. Garner suggests, to ask for what purpose a gentleman rises, and the Chair does that very often; but when the leader of the minority rises, the Chair generally recognizes him without putting that question, because he knows that the leader of the minority has a sense of responsibility and is familiar with the rules, and the Chair knows that he would not intend to take advantage of his recognition. So the Chair many times recognizes him when he would not recognize other gentlemen without making the inquiry; but I agree that perhaps it is wise that the Chair should always ask that question. Most Members on both sides of the House who wish to make a motion out of the regular order consult the Speaker in advance and then it is arranged whether and when they can be recognized so as least to interfere with the regular business of the House.

**292. There is no appeal from a decision by the Speaker on a question of recognition.**

<sup>1</sup> Second session Sixty-fifth Congress, Record, p. 8710.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> First session Sixty-sixth Congress, Record, p. 3663.

<sup>4</sup> Frederick H. Gillett, of Massachusetts, Speaker.

On March 15, 1910,<sup>1</sup> the legislative, executive, and judicial appropriation bill was ordered to be engrossed and read a third time, when Mr. William S. Bennett of New York, Mr. Martin D. Foster of Illinois, and Mr. William A. Cullop of Indiana, arose simultaneously, and demanded recognition to move to recommit the bill. The Speaker, after ascertaining that all were opposed to the bill, recognized Mr. Bennett. Mr. Foster appealed from the decision of the Chair.

The Speaker<sup>2</sup> said:

It is a question of recognition, and the gentleman is quite aware that upon a question of recognition an appeal from the Chair has never, at least for a generation, been entertained.

**293. An inquiry to ascertain for what purpose a Member arises does not constitute recognition.**

**While an appeal or a motion to adjourn is always in order, a Member must first secure recognition in order to present either.**

On February 28, 1919,<sup>3</sup> during the consideration of the bill (S. 1419) regulating the construction of dams across navigable waters, Mr. William E. Mason, of Illinois, rose and demanded recognition.

The Speaker pro tempore, Mr. Finis J. Garrett, of Tennessee, inquired for what purpose the Member arose, and, upon ascertaining that the Member desired to move to adjourn, refused recognition.

Mr. Mason asked if a motion to adjourn was in order.

The Speaker pro tempore said:

The motion to adjourn is always in order when a gentleman gets recognition to make it; but the gentleman from Tennessee, Mr. Sims, has the floor and has an hour.

The Chair recognized the gentleman from Tennessee. The gentleman from Illinois rose and addressed the Chair, and the Chair asked him for what purpose he rose. He said, "I rise to make a motion to adjourn." That does not constitute a recognition.

The gentleman from Tennessee has been recognized.

The Chair never recognized the gentleman, and can not recognize him in the time of the gentleman from Tennessee. The gentleman from Tennessee has this hour and the right to parcel it out as he chooses.

Mr. Mason proposed to appeal from the decision of the Chair, and the Speaker pro tempore held that an appeal was not in order, as the Member had not been recognized.

**294. While circumscribed by the rules and practices of the House, the exercise of the power of recognition is not subject to a point of order.**

On February 15, 1923,<sup>4</sup> during the consideration of the naval omnibus bill in the Committee of the Whole House on the state of the Union, Mr. William J. Fields, of Kentucky, and Mr. Isaac V. McPherson, of New York, rose and simultaneously addressed the chair.

The Chairman recognized Mr. Fields, when Mr. Frederick C. Hicks, New York, made the point of order that Mr. McPherson, being a member of the Committee on Naval Affairs, which had reported the bill, was entitled to recognition in preference to Mr. Fields, who was not a member of that committee.

<sup>1</sup> Second session Sixty-first Congress, Record, p. 3218.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup> Third session Sixty-fifth Congress, Record, p. 4639.

<sup>4</sup> Fourth session Sixty-seventh Congress, Record, p. 3719.

The Chairman<sup>1</sup> held that recognition is within the discretion of the Chair and is not subject to a point of order.

**295. After a Member has proceeded with his remarks it is too late to challenge his right to the floor.**

On January 30, 1923,<sup>2</sup> Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, submitted a privileged resolution providing for the consideration of the joint resolution (S. J. Res. 12) to dispose of sugars imported from Argentina.

The previous question having been ordered, debate proceeded for 40 minutes under the rule and Mr. Campbell was recognized and addressed the House in behalf of the resolution.

Mr. Edward W. Pou, of North Carolina, was then recognized under the impression that he was opposed to the resolution. After he had proceeded for some time, in support of the resolution, Mr. Thomas L. Blanton, of Texas, made the point of order that the previous recognition was in favor of the resolution and therefore the opposition was entitled to recognition.

The Speaker<sup>3</sup> said:

The rules provide<sup>4</sup> that one-half of such time shall be given in favor of and one-half in opposition. As the House is aware, it is always the custom in the House to recognize the ranking member of the Committee on Rules in favor and the ranking member of the minority against. When the gentleman from Kansas, Mr. Campbell, had finished and reserved the balance of his time, the Chair recognized the gentleman from North Carolina, Mr. Pou, for 20 minutes.

The Chair assumed that he was against the rule, which was confirmed by his yielding to the gentleman from Texas, Mr. Jones, who opposed the rule. Then the first knowledge the Chair had that the gentleman from North Carolina was in favor of the rule was when he took the floor and occupied time for 10 minutes. The Chair thinks the point of order should be made when recognition is had.

**296. The Member in charge of the bill is entitled to prior recognition to offer amendments.**

On April 2, 1908,<sup>5</sup> the House was in Committee of the Whole House on the state of the Union for the consideration of the resolution (H. Res. 233) to dispose of a message from the President.

During the consideration of the resolution for amendments, Mr. John Sharp Williams, of Mississippi, and Mr. Sereno E. Payne, of New York, rose at the same time and addressed the chair. The Chairman recognized Mr. Williams. Thereupon Mr. Payne made the point of order that being in charge of the resolution, he was entitled to prior recognition.

Mr. Williams submitted.

Mr. Chairman, I submit it is too late for that now. If the gentleman had been upon his feet at the same time I was offering an amendment and striving himself to offer one undoubtedly he would have been entitled to preference. But he was not upon his feet to offer any amendment, and I leave it to him if his amendment is not an afterthought. It was never his intention at the time that I offered this amendment to offer one.

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<sup>1</sup> John Q. Tilson, of Connecticut, Chairman.

<sup>2</sup> Fourth session Sixty-seventh Congress, Record, p. 2731.

<sup>3</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>4</sup> Section 3 of Rule XXVII.

<sup>5</sup> First Session Sixtieth Congress, Record, p. 4330.

The Chairman<sup>1</sup> said:

The Chair, under the procedure of the House, must recognize the gentleman in charge of the bill if he rises for the purpose of offering an amendment. The Chair can not question his motives. The gentleman from New York, Mr. Payne, has offered an amendment to strike out the last word, and he is entitled to the floor.

**297. A Member may not by offering a motion of higher privilege than the pending motion deprive the member of the committee in charge of the bill of the floor.**

On February 10, 1910,<sup>2</sup> the House was considering the Senate amendment to the urgent deficiency appropriation bill. Mr. James A. Tawney, of Minnesota, chairman of the Committee on Appropriations, and in charge of the bill, moved that the House further insist on Senate amendments not concurred in and ask for a further conference.

Mr. Augustus P. Gardner, of Massachusetts, made a motion to recede and concur and upon that motion claimed the floor.

The Speaker held that while the motion of the gentleman from Massachusetts was entitled to precedence, the right to prior recognition for debate belonged to the Member in charge of the bill.

**298.** On June 7, 1910<sup>3</sup> the House was considering the Senate amendment to the bill (H. R. 17536) to create a commerce court. Mr. James R. Mann, of Illinois, moved that the House disagree to the amendment. Thereupon Mr. Irvine L. Lenroot, of Wisconsin, made a motion to concur with an amendment, and took the floor, claiming the right under clause 6 of Rule XIV, to open and close debate.

The Speaker<sup>4</sup> recognized Mr. Mann, and said:

If the gentleman from Illinois had yielded, under the ordinary practice of the House the gentleman would be entitled to the floor for an hour. But the gentleman from Illinois [Mr. Mann] while he is taken off of the floor temporarily by the offering of a preferential motion, is not deprived of the floor. It has been the uniform and well-understood practice of the House that arises constantly every session.

The practice of the House, so far as the Chair recollects is unbroken.

**299.** On May 13, 1912,<sup>5</sup> the House was considering the Senate amendments to the joint resolution proposing a constitutional amendment providing for election of Senators by direct vote. A motion to recede and concur in a certain amendment had been made by Mr. William W. Rucker, of Missouri, chairman of the committee in charge of the resolution.

Mr. Charles L. Bartlett, of Georgia, made a motion to recede and concur with an amendment, and upon that motion claimed the right to debate for one hour.

The Speaker<sup>6</sup> held that of the two motions that of Mr. Bartlett was entitled to precedence and would be first voted upon, but that the offering of the preferential motion could not deprive the Member in charge of the floor, and Mr. Rucker was

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<sup>1</sup> George P. Lawrence, of Massachusetts, Chairman.

<sup>2</sup> Second session Sixty-first Congress, Record, p. 1703.

<sup>3</sup> Second session Sixty-first Congress, Record, p. 7568.

<sup>4</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>5</sup> Second session Sixty-second Congress, Journal, p. 1046; Record p. 6346.

<sup>6</sup> Champ Clark, of Missouri, Speaker.

entitled to recognition for one hour during which time which he might move the previous question.

**300. The Member in charge of the bill is entitled at all stages to prior recognition for allowable motions intended to expedite the bill.**

On May 8, 1912,<sup>1</sup> the House was considering the bill (H. R. 17756) to provide civil government in the Philippine Islands, when Mr. Marlin E. Olmsted, of Pennsylvania, was recognized, and offered an amendment which was agreed to. Thereupon Mr. William A. Jones, the Member in charge of the bill, moved the previous question on the bill and all pending amendments.

Mr. Swagar Sherley, of Kentucky, made the point of order that the Member in charge having yielded the floor was not again entitled to recognition until other Members desiring to be heard had been recognized.

The Speaker<sup>2</sup> held that Mr. Olmsted, though recognized for an hour, surrendered the floor in offering an amendment, and no one having the floor, the Member in charge was entitled to prior recognition at any stage of the bill to move the previous question.

**301.** On August 3, 1917,<sup>3</sup> Mr. Asbury F. Lever, of South Carolina, called up the conference report on the bill (H. R. 4188), the food-survey bill. At the conclusion of the reading of the report and statement, Mr. Frank D. Scott, of Michigan, proposed to move the previous question.

The Speaker<sup>2</sup> declined to recognize the gentleman from Michigan for that purpose, on the ground that the chairman of the committee, in charge of the bill, was entitled to the floor.

**302. The Member on whose motion a subject is brought before the House is first entitled to the recognition.**

On January 3, 1917,<sup>4</sup> Mr. William R. Wood, of Indiana, rose to a question of privilege and presented a resolution providing for an investigation of certain charges affecting the dignity of the House.

Mr. Robert L. Henry, of Texas, asked recognition for the purpose of making a motion to refer the resolution, and Mr. James R. Mann, of Illinois, made the point of order that Mr. Wood, as the proponent of the resolution, was entitled to recognition.

The Speaker<sup>2</sup> sustained the point of order and recognized Mr. Wood.

**303.** On July 5, 1918,<sup>5</sup> while the House was considering the Senate amendments to the river and harbor appropriation bill, Mr. Oscar L. Gray, of Alabama, made a motion that the House recede and concur in the pending amendment.

Mr. John H. Small, of North Carolina, chairman of the committee, and in charge of the bill demanded recognition to offer a motion to further insist.

The Speaker<sup>2</sup> read the decision<sup>6</sup> of Mr. Speaker Carlisle on a similar question, holding that a member may not by offering a preferential motion deprive the mem-

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<sup>1</sup> Second session Sixty-second Congress, Journal, p. 1044; Record, p. 6075.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> First session Sixty-fifth Congress, Record, p. 5770.

<sup>4</sup> Second session Sixty-fourth Congress, Record, p. 897.

<sup>5</sup> Second session Sixty-fifth Congress, Record, p. 8710.

<sup>6</sup> Vol. II, see. 1460 of this work.

ber in charge of the bill of the floor, and in conformity with that decision recognized Mr. Small for one hour.

**304.** On December 22, 1920,<sup>1</sup> the House was considering the emergency tariff bill in the Committee of the Whole House on the state of the Union.

Mr. Joseph Walsh, of Massachusetts, offered an amendment striking out the pending paragraph, when Mr. Carl Hayden, of Arizona offered an amendment perfecting the paragraph.

A question of precedence being raised, the Chairman<sup>2</sup> held that the perfecting amendment took precedence over the motion to strike out the paragraph and was first voted on, but Mr. Walsh having been first recognized was entitled to the floor in debate.

**305.** On June 15, 1921,<sup>3</sup> during consideration by the House of the bill (H.R. 6754) to promote the welfare of American seamen in the merchant marine, Mr. Frank D. Scott, of Michigan, offered an amendment and after the expiration of the five minutes allowed for debate under the rule moved the previous question on the amendment.

Mr. Meyer London, of New York, made the point of order that Mr. Scott's time having expired, he was not entitled to recognition for that purpose.

The Speaker pro tempore<sup>4</sup> stated that the gentleman from Michigan, in moving the previous question, was within his rights as the Member in charge of the bill.

**306. The members of the committee reporting the bill have precedence in the discussion.**—On January 12, 1933,<sup>5</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 13991), the farm relief bill, when Mr. Donald F. Snow, of Maine, a member of the Committee on Agriculture, reporting the bill, and Mr. William J. Granfield, of Massachusetts, who was not a member of the committee, rose simultaneously and asked recognition to offer amendments.

The Chairman<sup>6</sup> recognized Mr. Granfield, whereupon Mr. Bertrand H. Snell, of New York, made the point of order that Mr. Snow as a member of the committee reporting the bill was entitled to precedence.

The Chairman sustained the point of order and said:

The Chair understands the precedents of the House. The Chair has uniformly given preference to members of the committee on each occasion when he has presided. The Chair agreed to recognize the gentleman from Massachusetts. The gentleman was on his feet and asking for recognition before any member of the committee. However, the Chair will follow the precedents and recognize the gentleman from Maine to offer an amendment which the Clerk will report.

**307. The member of the committee reporting a bill is entitled to precedence in recognition for its discussion when it is taken up for consideration in the House.**—On February 24, 1933,<sup>7</sup> Mr. Hatton W. Sumners, of Texas,

<sup>1</sup>Third session Sixty-sixth Congress, Record, p. 661.

<sup>2</sup>Sidney Anderson, of Minnesota, Chairman.

<sup>3</sup>First session Sixty-seventh Congress, Record, p. 2643.

<sup>4</sup>Wm. H. Stafford, of Wisconsin, Speaker pro tempore.

<sup>5</sup>Second session Seventy-second Congress, Record, p. 1679.

<sup>6</sup>Lindsay C. Warren, of North Carolina, Chairman.

<sup>7</sup>Second session Seventy-second Congress, Record, P. 4912.

having been recognized to submit a parliamentary inquiry, asked whether he as chairman of the Committee on the Judiciary reporting a resolution relating to the proposed impeachment of Judge Harold Louderback, but having signed the minority report, or Mr. Tom D. McKeown, of Oklahoma, who had filed the majority report from the committee, was entitled to recognition when the resolution was called up for consideration in the House.

The Speaker<sup>1</sup> held:

The usual custom is that the Member who reports the legislation coming before the House is the one the Chair recognizes, and the Speaker would recognize the gentleman who has been directed by the committee to report the bill.

Thereupon, Mr. McKeown called up the resolution, and the Speaker said:

Under the rules of the House the gentleman from Oklahoma, Mr. McKeown, has one hour in which to discuss this resolution.

**308. A motion to direct or control the consideration of the subject before the House being made by the Member in charge and decided adversely, right to recognition passes to the opposition.**

On March 15, 1909,<sup>2</sup> at the organization of the House, Mr. John Dalzell, of Pennsylvania, offered resolutions providing for the adoption of rules.

The question being taken, the House disagreed to the resolutions—yeas 189, nays 193.

Thereupon the Speaker recognized Mr. Champ Clark, of Missouri, a member of the opposition, who offered other resolutions providing for the adoption of rules.

Mr. John J. Fitzgerald, of New York, proposed to offer an amendment when Mr. Clark demanded the previous question on the resolutions.

The House refused the previous question, and Mr. Clark, rising to a parliamentary inquiry, asked who was entitled to recognition.

The Speaker<sup>3</sup> said:

The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.

**309.** On October 5, 1917,<sup>4</sup> Mr. Finis J. Garrett, of Tennessee, from the Committee on Rules, submitted a resolution to take from the Speaker's table the war-risk insurance bill with Senate amendments, disagree to the amendments and agree to the conference asked by the Senate.

Mr. Garrett demanded the previous question on the resolution, which was refused, yeas 112, nays 144.

Thereupon, on motion of Mr. William C. Adamson, of Georgia, by unanimous consent, all proceedings touching the resolution were vacated.

The Speaker<sup>5</sup> recognized Mr. Frederick H. Gillett, a member of the minority, who moved to concur in amendment No. 100.

<sup>1</sup> John N. Garner, of Texas, Speaker.

<sup>2</sup> First session Sixty-first Congress, Record, p. 22; Journal, p. 9.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speakers.

<sup>4</sup> First session Sixty-fifth Congress, Journal, p. 428; Record, p. 7851.

<sup>5</sup> Champ Clark, of Missouri, Speaker.

Mr. Sam Rayburn, of Texas, raised a question of order against the recognition of Mr. Gillett, and the Speaker explained that when the vote on ordering the previous question was decided adversely, the right to recognition passed to those opposed to the resolution.

**310.** On January 13, 1920,<sup>1</sup> Mr. James A. Gallivan, of Massachusetts, moved to discharge the Committee on Military Affairs from the further consideration of a resolution of inquiry, and upon that motion demanded the previous question.

The previous question was refused, yeas 155, nays 174, and Mr. Edward W. Saunders, of Virginia, rising to a parliamentary inquiry, asked if the refusal of the House to sustain the demand for the previous question passed the control of the resolution to the opposition.

The Speaker pro tempore<sup>2</sup> answered in the affirmative, and recognized Mr. Arthur G. Dewalt, of Pennsylvania, the only Member who had spoken in opposition to the resolution.

**311.** On October 11, 1921,<sup>3</sup> while the bill (H. R. 8520) to regulate certain public service corporations in the District of Columbia, was under consideration in the Committee of the Whole House on the state of the Union, Mr. Thomas L. Blanton, of Texas, moved to strike out the enacting clause.

The question was decided in the affirmative, yeas 58, nays 60, and the Chairman recognized Mr. Blanton.

Mr. Nicholas Longworth, of Ohio, made the point of order that under the accepted procedure of the House it was the duty of the Chair to recognize the Member in charge of the bill and not the gentleman from Texas.

The Chairman<sup>4</sup> held that when a preferential or other decisive motion is agreed to, the Member in charge loses control of the bill and the proponent of the motion is entitled to recognition.

**312. A material motion by the Member in charge being rejected through absence of the majority acting under representations of the minority, the minority declined to take advantage of the situation and yielded for a motion to adjourn.**

On January 20, 1910,<sup>5</sup> late in the afternoon, Mr. James T. Lloyd, of Missouri, proposed to tender his resignation from a special committee, when Mr. James A. Tawney, of Minnesota, moved to adjourn.

The motion was rejected, and the Speaker<sup>6</sup> recognized Mr. John J. Fitzgerald, of New York, a member of the minority, to move a call of the House.

Whereupon, Mr. Oscar W. Underwood, of Alabama, said:

Mr. Speaker, I desire to make a statement. We called a Democratic caucus to meet here at this time to pass on matters of interest to the Democratic party. It was supposed we were going into caucus at once, and I know that Republican Members went home in good faith under those

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<sup>1</sup> Sixty-sixth Congress, Record, p. 1504.

<sup>2</sup> John Q. Tilson, of Connecticut, Speaker pro tempore.

<sup>3</sup> First session Sixty-seventh Congress, Record, p. 6244.

<sup>4</sup> Mr. Nicholas J. Sinnott, of Oregon, Chairman.

<sup>5</sup> Second session Sixty-first Congress, Record, p. 857.

<sup>6</sup> Joseph G. Cannon of Illinois, Speaker.

circumstances. I did not know that the gentleman from Missouri, Mr. Lloyd, was going to present his resignation at the desk at that time. I do not think it was known to the membership on this side of the House. When Mr. Lloyd's resignation was sent to the desk I did not at once realize the position we were placed in, when we refused to adjourn by Democratic votes, having the temporary control of the House, due to the absence of Republican Members who did not expect further business to be transacted. I rose to make a parliamentary statement in reference to the question presented by Mr. Lloyd's resignation. I am sure this side of the House did not realize that possibly we were taking advantage of the absence of the majority Members. Now, the intention of the gentleman from Missouri to submit his resignation at that time was not a deliberate move on this side of the House. It came up unexpectedly on our part. It came without my knowledge, and, I think, without the knowledge of most Members on this side of the House. Under those circumstances, I think there is nothing for us to do but to make a motion to adjourn at once.

I yield to the gentleman from New York to make the usual motion to adjourn.

The Speaker accordingly recognized Mr. Payne, who moved to adjourn.

**313. While the rejection of a conference report transfers the control of the measure to the opponents, the sustaining of a point of order against a conference report is not adverse action on the part of the House and exerts no effect on the right of recognition.**

On January 12, 1917,<sup>1</sup> the Speaker sustained a point of order made by Mr. William S. Bennett, of New York, against a conference report on the immigration bill.

Thereupon Mr. Bennett demanded recognition upon the ground that the sustaining of a point of order against the report was equivalent to the rejection of the report by the House and the right of recognition passed to the opponents of the measure.

The Speaker<sup>2</sup> held that while an adverse vote on a material motion transferred the right of recognition to those in opposition, the approval of a point of order by the Chair gave no indication of the attitude of the House upon the proposition, and therefore could not affect the right of recognition.

The Speaker then recognized Mr. John L. Burnett, of Alabama, the Member in charge, who moved to disagree to the amendments of the Senate and ask for further conference.

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<sup>1</sup> Second session Sixty-fourth Congress, Record, p. 1294.